

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MONIQUE DOSS, ET AL.,

PLAINTIFFS,

VS.

CIVIL ACTION NO. 4:09CV076-P-S

**NPC INTERNATIONAL, INC. d/b/a
PIZZA HUT,**

DEFENDANT.

ORDER

This matter comes before the court upon the plaintiff's Motion to Remand and for Sanctions [7]. After due consideration of the motion and the response filed thereto, the court finds as follows, to-wit:

It is undisputed that the plaintiffs purported to limit themselves to no more than \$75,000.00 per plaintiff in the Complaint. It is also undisputed that the Complaint seeks an unspecified amount of punitive damages. Pursuant to *Allen v. R&H Oil & Gas Co.*, punitive damages asserted in Complaints in Mississippi are to be aggregated for the purposes of the amount in controversy requirement for federal diversity jurisdiction. 63 F.3d 1326, 1334 (5th Cir. 1995) ("[T]he unique nature of [punitive damages] awards requires, at least in Mississippi, that the full amount of alleged damages be counted against each plaintiff in determining the jurisdictional amount.").

Accordingly, since aggregation of the unspecified amount of punitive damages added to the \$75,000 sought by each plaintiff meets the amount in controversy requirement, and there is diversity of citizenship between the parties, the court finds that it possesses federal diversity jurisdiction and that the plaintiff's motion to remand should be denied.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) The plaintiff's Motion to Remand and for Sanctions [7] is **DENIED**; therefore,

(2) The parties are to contact the U.S. Magistrate Judge within 10 business days of this Order to obtain a Scheduling Order.

SO ORDERED this the 22nd day of September, A.D., 2009.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE